

REMARKS

This Amendment is in response to the final Office Action dated September 29, 2005. Claims 3-32 and 41-51 are pending in this application. Claims 14-19 and 27- 40 have been withdrawn from consideration in view of an earlier election of species requirement, and claims 1, 2 and 33 - 40 were previously canceled without prejudice. By this Amendment, Applicants have amended claims 3, 4, 41 and 42 to better define the presently claimed invention. Favorable reconsideration of all of the pending claims is respectfully requested.

The Examiner has rejected claims 3-13, 20-26, 41, 42 and 41-44 under 35 U. S. C. 112, first paragraph as failing to comply with the written description requirement. However, Applicants submit that the specification fully supports the claim language "the expansion of the housing portion..." Original claims 1-5 provide the specific support to comply with the written description requirement. Claim 2 states that the expandable housing portion is capable of expanding between an expanded position and a contracted position. This claim does not limit expansion only to radial expansion. Claim 3 recites that the housing portion could be primarily made from an elastic material. Claim 5 states that the reinforcing members do not interfere with the expansion of the elastic material. Therefore, Applicants submit that there is sufficient support for the claim language in question. Applicants respectfully request the Examiner to withdraw the 112 first paragraph rejection of the above-identified claims.

The Examiner has rejected claims 3-13 and 20-26 and 41-51 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,544,279 to Hopkins et al. (the "Hopkins patent") in view of U.S. Patent No. 6,123,715 to Amplatz (the "Amplatz patent") and U. S Patent No. 6,517,765 to Kelley (the "Kelley patent"). Applicants, however, strongly disagree with the Examiner's position that the Amplatz patent and Kelley patent teach the use of reinforcing members for controlling the expandability of a tubing. Initially, it appears that the Examiner may have confused the term "flexibility" with the term "expandability." Flexibility does not mean the ability to expand as stated by the Examiner in paragraph 2 of page 2 of the Office Action. A length of tubing can be flexible but is not necessarily expandable. Applicants submit that the woven reinforcing braids and fabric disclosed in the Amplatz patent and Kelley patent can provide some

flexibility to a length of tubing while still reinforcing the wall of the tubing to prevent the expansion of the tubing. As taught by these patents, the pitch and/or braid pick counts of the woven fabric and braid can be selected to affect the flexibility of the tubing into which they are formed. Therefore, lateral flexibility can be changed. However, these woven braids or fabric are still designed specifically to prevent the expansion of the tubing since this is the main function of the woven braid or fabric. Therefore, while one can increase or decrease the lateral flexibility of the tubing by varying the pitch or braid count, the woven braid or fabric still prevents the tubing from expanding.

Applicants presently claimed invention uses reinforcing members which do not interfere with the expandability of the housing. This feature is simply not shown in any of the cited references. However, for the purposes of gaining allowance of the claims at issue, Applicants have amended the pending claims to recite the use of a non-woven reinforcing member to define the presently claimed invention. Accordingly, Applicants submit that the combination of the Hopkins patent with the Amplatz patent and Kelley patent simply fails to create the structure recited in the present claims. Applicants respectfully request the Examiner to withdraw the § 103 rejection which has been applied to all of the pending claims.

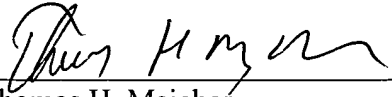
In view of the allowance of generic claims, Applicants respectfully request the Examiner to reconsider claims 14-19 and 27-32 which were previously withdrawn in response to an earlier election of species requirement.

In view of the foregoing, it is respectfully urged that all of the present claims of the application are patentable and in a condition for allowance. The undersigned attorney can be reached at (310) 824-5555 to facilitate prosecution of this application, if necessary.

In light of the above amendments and remarks, Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

FULWIDER PATTON LEE & UTECHT, LLP

By: 
Thomas H. Majcher
Registration No. 31,119

THM:gbr

Howard Hughes Center
6060 Center Drive, Tenth Floor
Los Angeles, CA 90045
Telephone: (310) 824-5555
Facsimile: (310) 824-9696
Customer No. 24201

104458.1